

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
February 17, 2004

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, February 2004, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor M. A. Truckenmiller from Breakthrough Worship Center gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Shepperd led the Pledge of Allegiance.

**HIGHWAY MATTERS**

Mr. Steve Hicks, Resident Engineer, Virginia Department of Transportation (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors. He stated crews were prepared for 12-hour shifts in anticipation of hazardous road conditions from predicted snowfall. He explained that VDOT would have a lot of construction going on in March, including pavement overlay and striping in the Seaford area and Kay Lane. He mentioned that the tree issues at Harwood's Mill had been addressed.

Mr. Burgett questioned the number of employees VDOT has lost.

Mr. Hicks discussed the 31 employees lost due to promotions or retirements, most of them maintenance workers. He explained they would be meeting with the interim District Administrator to determine the operations of the maintenance crews.

Mr. Zarembo called Mr. Hicks' attention to West Semple Road in the Nelson Park area that was in need of repair. He stated he is looking forward to riding again with Mr. Hicks in his district.

Chairman Shepperd asked if VDOT is able to maintain the roads at the same level given that it has lost so many employees. He mentioned the potholes in his district, stating he will identify those to Mr. Hicks by email. He also advised the citizens to contact VDOT for repairs.

Mr. Hicks stated potholes would be repaired because of the safety issues; but now with the limited crews, VDOT's focus will be to put out fires rather than maintenance or drainage concerns.

Chairman Shepperd mentioned citizens' concerns in the Edgewood area where there are no ditches, thus causing the backyards to hold water, and he asked Mr. Hicks to look into the matter.

**PRESENTATIONS**

**2007 JAMESTOWN CELEBRATION**

Mrs. Anne B. Smith, Director of Community Services, presented the Board with an update on the events and planning for the 2007 Jamestown Celebration, which marks the 400<sup>th</sup> anniversary.

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sary of Jamestown. She also spoke regarding the Riverwalk Landing's grand opening in the spring of 2005, followed by the 2006 celebration commemorating the 225<sup>th</sup> anniversary of the Battle of Yorktown.

Mrs. Sandra Jones, representative of the Celebrate Yorktown Committee and the Jamestown 2007 Planning Committee, also appeared to give details on the events surrounding the anniversary celebrations. She described the many organizations involved to help make the celebrations a success.

#### COUNTY REASSESSMENT PROCESS

Mrs. Marycarol White, Director of Financial and Management Services, gave an in-depth presentation on the County's reassessment process. She stated the County has a diverse revenue basis, the largest portion being real property revenues. She explained how the assessments are determined and stated there will be an average 9-10 percent increase in real estate assessments this year. Mrs. White went on to say that this was a very rough estimate and other properties, especially waterfront, could expect to experience significant increases. She provided a sample assessment document for the Board's review and stated the assessments would be mailed to property owners by the first week of March 2004. The effective date of the current reassessments is January 1, 2004. She discussed property damages from Hurricane Isabel, and she encouraged property owners to report any hurricane-related damages. She then listed the steps involved for property owners wishing to dispute their assessments.

Mr. Zaremba asked about Hurricane Isabel's affect on the tax assessments.

Mrs. White stated the hurricane did not affect the marketability or desirability of properties in the County, and real estate sales are continuing.

Discussion followed concerning evaluation of damaged properties and homeowners reporting hurricane damages to the County.

#### CITIZENS COMMENT PERIOD

Ms. Edna Haggerty, 403 Timberline Loop, asked the Board for help in having Burts Road reinstated in the Secondary Road project. She stated with the increased traffic by a car wash being added on Route 17, the congestion will become worse. She expressed concerns over having four car washes in the nearby area and asked the Board to find a few dollars to help deter an impending disaster.

#### COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett stated today was the last day the General Assembly will act on bills. He noted he has been tracking 148 pieces of legislation, 56 of which have survived. He cited some examples of bills including Senate Bill 646 entitled the Virginia Post Disaster Gouging Act, which prohibits sales of merchandise at unconscionable prices for the 30 days following a disaster. A number of bills were submitted regarding Driving Under the Influence (DUI), with most of them having tougher effects. House Bill 530 is being considered which gives individuals the right to carry firearms in public buildings. He discussed some of the other bills he is monitoring, and he stated he would provide the Board with a current, updated list the day before crossover.

Mrs. Noll reported on the budget amendment request in the Board's Legislative Package for \$250,000. She stated it was in the Senate budget amendment and was not dead yet.

Mr. Burgett questioned the telecommunications tax bill and pointed out that the loser would be York County and the winner the State. The State will take the \$2.18 that the County currently gets; the County may get 10 cents back.

Mr. McReynolds reported that the State may take away the ability of all cities, counties, and towns to tax the telecommunications industry.

Discussion ensued relating to proposed bills before the current session of the General Assembly.

Meeting Recessed. At 7:55 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened. At 8:02 p.m. the meeting was reconvened in open session by order of the Chair.

### **PUBLIC HEARINGS**

#### **APPLICATION NO. UP-629-04, OSPREY PROPERTY COMPANY**

Mr. Carter made a presentation on Application No. UP-629-04 to approve a use permit to authorize the establishment of a senior housing independent living facility on a portion of property located at 222 Commons Way. He stated the Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R04-28.

Mrs. Noll noted the property was previously used for a fuel oil storage and distribution center, and she asked if the area had been cleaned up.

Mr. Carter stated most of the remnants had been cleared away from the site, but the area would be cleaned up before construction.

Chairman Shepperd pointed out that a restaurant was not listed on site, and he referred to paragraph 7 that stated there would be approximately \$76,000 in personal property tax, and \$56,700 is projected annual revenue by expected retail and restaurant expenditures of the development.

Mr. Carter stated that was the buying power of the 150 residents who will live there.

Chairman Shepperd mentioned the performance standards and asked if things such as the four-story building that will have elevators were addressed.

Mr. Carter stated the building code would address this type of issue. There will be elevators in the facility.

Ms. Elizabeth White, Kaufman & Canoles, representing the applicant, explained the need of senior housing in York County. She gave some background on the laws that were changed to benefit senior citizens, and she pointed out that Osprey Development was a nationally recognized leader in the field of senior housing. She noted that the population age 75 years and older was the fastest growing segment of the population, and the subject site is ideal for senior housing and would support the needs of the County's seniors. Ms. White stated she has talked with the surrounding property owners, and most have indicated their support of the application.

Mr. Burgett asked about children attending school from there.

Ms. White stated there would be no children in permanent residence in the development, and there would be rules and regulations adopted which would set limits on guests.

Mr. Burgett asked if Osprey provided transportation for the occupants.

Ms. White explained the intent is to make use of publicly available services, but it would possibly contract with separate private shuttle services.

Mr. Zarembo asked about the parking facility.

Mr. Carter noted the parking requirement is one space per unit based on the standards of research that have been done across the country.

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Mr. Corbin Anderson, representative of Osprey, stated there would be space for .7 cars per household, and he noted the age of the citizens entering the units is approximately 72 years old, and the proposal is for age 62 and older.

Discussion ensued on the age restrictions and limitations set on the residents of the facility.

Ms. White pointed out that the Housing for Older Persons Act (HOPPA), adopted in 1996, allows for certain exceptions such as live-in caretakers that would be protected under the act.

Mr. Zaremba asked what the issues were that caused Williamsburg to respond, and how the developer responded to Williamsburg's concerns.

Mr. Carter explained the comments received from the City of Williamsburg, including the request that the building be all brick.

Discussion ensued over the aesthetics of the facility.

Mr. Zaremba stated he was still concerned about the traffic in the area, and he felt it could be a problem.

Ms. White offered some statistical information and referred to the traffic engineer letters. She then compared the proposal with the traffic of other potential uses such as hotels, banks, and restaurants.

Mr. Bowman asked if the units would be occupied on a first-come basis or an application process.

Ms. White stated the application basis was not prioritized. Applicants would be treated on a first-come, first-served basis.

Mr. Bowman questioned the nearby railroad tracks and asked if a noise survey had been conducted to determine interference from that area.

Ms. White stated a 50-foot buffer would be installed between the railroad tracks and Osprey's land.

Chairman Shepperd expressed concern regarding the HOPPA laws relative to children at such a facility.

Ms. White stated HOPPA created an exception to the general rule that one cannot discriminate on the basis of age, and Congress recognizes senior citizens have unique housing needs.

Chairman Shepperd then called to order a public hearing on Application UP-629-04 that was duly advertised as required by law. Proposed Resolution R04-28 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A 100-SUITE SENIOR HOUSING INDEPENDENT LIVING FACILITY ON COMMONS WAY (ROUTE 690).

Mr. Donald King, 109 Stratford Drive, President of the Williamsburg Commons Association, stated he met with the developers, and they liked what was planned in the application. They felt it was of good use for the County; however, they have some concerns with its marketability due to the traffic concerns and railroad tracks.

Ms. Debbie Falon, First Advantage Credit Union, appeared on behalf the credit union's Board of Directors to express support for the project.

Mr. Don DeFranco, 110-C Stratford Drive, agreed that it looks like a worthy development, but he asked the Board to take a strong look at the traffic patterns and the environmental impact such a project is going to make on the area. He expressed concern about how things will be with the development three to five years down the road, and he stated he would not live so close to railroad tracks.

There being no one else present who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mrs. Noll pointed out that even though the County's regulations say 62, the average age of those making the move to senior housing is 72. She also expressed her concern with the noise issue and stated she was curious to know if any testing has been done on the noise concerns.

Mr. Bowman stated the intersection was one of the most dangerous intersections in the County, and he suggested resetting the timing of the intersection.

Mr. Burgett acknowledged that the subject piece of property was a difficult piece of commercial property and, at one time, he had little hope it could be developed. He stated the ordinance was created for exactly this type of development, and he is satisfied that it is going to be for seniors and is probably acceptable for 100 apartments. He stated he is in favor of this project because it will fill a need that has been recognized. Mr. Burgett warned the applicant not to come back before the Board in the future for permission to turn them into regular apartments.

Mr. Zaremba expressed his agreement with Mr. Burgett and advised the applicant to make sure the proposal is what they want the project to be. He acknowledged the issues of concern - transportation and noise, and stated he agrees that the traffic levels need to be monitored between Memorial Day and Labor Day, as well as after the opening of the adjacent restaurant. Mr. Zaremba expressed his support for the application.

Chairman Shepperd stated if there is concern about the traffic, it needs to be addressed through the County's zoning. He also expressed concern over the noise from passing trains and the proximity of nearby restaurants, banks, and other commercial facilities. He also advised the applicant not to return and ask for the project to be turned into apartments.

Mrs. Noll then moved the adoption of proposed Resolution R04-28 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A 100-SUITE SENIOR HOUSING INDEPENDENT LIVING FACILITY ON COMMONS WAY (ROUTE 690).

WHEREAS, Osprey Development Company has submitted Application No. UP-629-04 requesting a Special Use Permit, which requests a Special Use Permit, pursuant to Sections 24.1-306 (Category 1, No. 9(b)) of the York County Zoning Ordinance, to authorize the establishment of a 100-suite senior housing independent living facility on a 5.46-acre portion of a 6.46-acre parcel located on the west side of Commons Way (Route 690) approximately 1000 feet south of its intersection with Bypass Road (Route 60) and further identified as Assessor's Parcel No. 9-9-2; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of February, 2004, that Application No. UP-629-04 be, and is hereby, approved to authorize the establishment of a 100-suite senior housing independent living facility on a 5.46-acre portion of a 6.46-acre parcel located on the west side of Commons Way (Route 690) approximately 1000 feet south of its intersection with Bypass Road (Route 60) and further identified as Assessor's Parcel No. 9-9-2, subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a 100-suite (not including the hospitality suite) senior housing independent living facility on an 5.46-acre portion of a 6.46-acre parcel located on Commons Way (Route 690) approximately 1000 feet

south of its intersection with Bypass Road (Route 60) and further identified as Assessor's Parcel No. 9-9-2.

2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the conceptual plan entitled "Conceptual Plan for Special Use Permit, Commons Way Independent Living for Osprey Property Company," prepared by AES Consulting Engineers and dated 11/3/03, revised to 1/05/04, and architectural elevations prepared by Edward H. Winks and James D. Snowa Architects, dated 11-24-03, revised to 12/31/03 and received by the Planning Division 1/05/04, except as modified herein.
3. The development shall be constructed and operated in conformance with the provisions of Section 24.1-411, *Standards for Senior Housing (Housing for Older Persons)*, of the Zoning Ordinance.
4. The facility shall be constructed in accordance with measures outlined in the document, "Commons Way Senior Housing Community - Life Safety Narrative," prepared by Edward H. Winks and James D. Snowa Architects, P.C., and dated January 6, 2004, which is made a part of this Resolution by reference. A fire lane with a minimum width of 18 feet shall be constructed to provide adequate emergency vehicle access to the rear of the building, as approved by the Fire Chief.
5. A concrete sidewalk or other hard-surfaced pedestrian path acceptable to the Zoning Administrator shall be constructed to provide safe and convenient pedestrian access from the parking area of the independent living facility along its main entrance driveway to Commons Way. The applicant shall construct a 5-foot concrete sidewalk meeting Virginia Department of Transportation standards along Commons Way within the existing right-of-way across the width of the subject property affected by this Special Use Permit and connecting to the entrance/exit driveway for the adjacent Fort Eustis Credit Union bank. The applicant shall construct a concrete sidewalk or other hard-surfaced pedestrian path acceptable to the Zoning Administrator to provide lighted, safe and convenient pedestrian access from the northwest corner of the subject site to the southwest corner of the adjacent Cracker Barrel restaurant site.
6. The existing asphalt road located in the northwest corner of the site shall be removed and landscaped in accordance with Article 2, Division 4 and Section 24.1-411 (e & f) of the Zoning Ordinance.
7. The maximum number of resident suites shall be one hundred (100) plus one hospitality suite.
8. All outdoor lighting associated with the development shall be designed, installed, and maintained to prevent unreasonable or objectionable glare onto abutting or adjacent properties and shall incorporate the use of full cut-off, shielded luminaries.
9. To facilitate screening and buffering for the existing railroad and adjacent residential dwellings, landscaping within the 50-foot perimeter buffer along the southwest boundary of the site (parallel to the CSX railroad right-of-way) shall meet minimum planting standards equivalent to a Transitional Buffer Type 50 as set forth in Zoning Ordinance Section 24.1-243(a)(3). Fifty percent (50%) of the required landscape credits shall be derived from evergreen shrubs that will attain a mature height of at least six feet.
10. To ensure that there was no contamination of the site as a result of the previous fuel oil distribution use, a Phase II Environmental Site Assessment shall be completed and submitted to the County prior to issuance of building permits for the subject facility. The existing aboveground storage tank shall be registered with the Virginia Department of Environmental Quality and evidence of the registration shall be submitted to the County prior to its removal from the site. The applicant and/or the property owner shall be responsible for implementation of any remedial decontamination measures if required by the Virginia Department of Environmental Quality prior to any construction activities on the property.

11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd  
Nay: (0)

#### **COUNTY ATTORNEY REPORTS** (continued)

Mr. Zaremba mentioned several bills introduced allowing counties to put a tax on the sale of cigarettes, and he asked where that issue stands in the General Assembly.

Mr. Barnett stated the bill to equalize the taxing authority of counties gets introduced every year and usually dies an early death. He reported that the special legislation dealing with property maintenance code application for Route 17 was never introduced; the auto salvage bill passed the Senate; and the allowing of photo monitoring in all localities passed the Senate and is now in the House Transportation Committee.

Discussion ensued concerning the status of proposed bills.

#### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. McReynolds reported that the Industrial Development Authority and the Route 17 Corridor Committee had been working to finalize recommendations on a proposed grant and tax credit program. He stated those recommendations should be brought before the Board for action on March 2. He reported that staff was in the early stages of the 2005 budget process and is approaching a busy and intense time. He reminded the Board of its upcoming meetings, beginning March 2, on the proposed budget for FY05. He also reminded the Board of its annual retreat scheduled for Saturday, February 21, at the Marriott Courtyard. He then reported that the closing of Water Street would take place soon to assist with the waterfront construction and that the Historic Village residents had been notified of the closing by letter.

#### **MATTERS PRESENTED BY THE BOARD**

Mrs. Noll reported that she was asked by the Superintendent of the National Park Service to act as Co-Chairperson of the Celebration 2006 Committee. The committee will be meeting on March 4 to address the security needs for the celebration. Mrs. Noll then thanked those who had participated in the Black History Month activities.

Mr. Bowman announced that tomorrow evening JoAnn Davis would be holding a veterans issue forum at the Denbigh American Legion Post 378. He stated he spent a day at the General Assembly in Richmond, and also spent some time with the National Guard. He attended the VACo meeting and spoke on some of the issues discussed at the meeting. He noted he serves on the Transportation Safety Committee, and one of the issues it is discussing is the safety of motorized scooters. He stated the County might need an ordinance in place to regulate scooters. Mr. Bowman noted he also attended Black History month that had a very informative speaker, Mr. Sherman Hill, who put the program together.

Mr. Burgett encouraged Mr. Bowman to contact the County Attorney concerning the scooter ordinance being drafted. He then noted he had attended the York County Chamber of Commerce after hours get together, and he spoke of Cox Communications and the complaints he continues to receive regarding its service. He stated that although their prices continue to rise, the service is not at the level it should be. He stated he was not satisfied that Cox is doing everything it can do, and he would like to meet with Cox representatives to review the County's contract. He suggested the Board discuss future suppliers at the Board's upcoming retreat.

Mr. Zaremba stated he would gladly join Mr. Burgett in a meeting with Cox Communications. He stated that a long, overdue commendation to the Celebrate Yorktown Committee was in order. He mentioned the committee's museum/store, stating it had doubled in revenues and the numbers of tourists visiting Yorktown. He asked the Board to reconsider permitting fishing from the Cofferdam Pier since many of his constituents have asked for it to be reinstated. He referred back to the real estate assessment briefing, and he encouraged citizens to contact the Assessor's Office if they have damage to their homes that cannot be determined from the outside.

Chairman Shepperd stated he had received a call from a repair company that was concerned about the application fees for the license permits. He indicated the company was surprised that the permit fee had been reinstated, and he has neighbors who still cannot get their repairs done because of the amount of work in the area. There are people still out there suffering, and he is not sure where the County's stands with its response. He stated that Art Collins, Hampton Roads Planning District Commission, will soon make a presentation before the Board concerning the Base Realignment and Closure (BRAC) issues and the possibility of the loss of Fort Monroe. He spoke about the meetings he attended last week including the School Board, Business After Hours, Black History month, and the new veterinary hospital opening. Chairman Shepperd mentioned the community network set up with the York County Chamber of Commerce that is a great opportunity for homeowners' associations to create websites that are professionally set up and free of charge.

Mr. McReynolds added that a number of community organizations have helped them set up a fund for victims of the hurricane who are having difficulty coping. Those in need should call the Community Services Department at 890-3880.

Mrs. Anne B. Smith, Director of Community Services, explained some of the assistance available, including payments for utilities, alternative housing while the primary residence is being repaired, and crisis counseling.

#### **CONSENT CALENDAR**

Mr. Zaremba moved that the Consent Calendar be approved as submitted, Item Nos. 2, 3, and 4 respectively.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd  
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

#### **Item No. 2. APPROVAL OF MINUTES**

The minutes of the following meeting of the York County Board of Supervisors were approved:

January 13, 2004, Adjourned Meeting

#### **Item No. 3. STREET ACCEPTANCES: Resolutions R04-25 and R04-27.**

##### **Resolution R04-25:**

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CERTAIN STREETS IN FOXWOOD, SECTION THREE, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on plats recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and



WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 17th day of February, 2004, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Foxwood, Section Three, and to the Resident Engineer of the Virginia Department of Transportation.

### **In the County of York**

By resolution of the governing body adopted February 17, 2004

***The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.***

### **Report of Changes in the Secondary System of State Highways**

Form SR-5A  
Secondary Roads Division 5/1/99

### **Project/Subdivision**

### **Foxwood, Section Three**

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

### **Route Number and/or Street Name**

#### **Tallyho Drive, State Route Number 1485**

Description: **From:** Route 1486 (Pinyon Pines)  
**To:** Route 1490 (Van Curen Court)  
A distance of: 0.10 mile.

**Right of Way Record:** Filed with the Clerk of the Circuit Court on 3/9/2000, Plat Book 13, Pages 96-98, and 1/17/2002, Instrument No. 020000921 with a width of 50'

Description: **From:** Route 1490 (Van Curen Court)  
**To:** T Turnaround  
A distance of: 0.04 mile.

**Right of Way Record:** Filed with the Clerk of the Circuit Court on 1/17/2002, Instrument No. 020000921, with a width of 50'

#### **Van Curen Court, State Route Number 1490**

Description: **From:** Route 1485 (Tallyho Drive)  
**To:** End of cul-de-sac

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A distance of: 0.09 mile.

*Right of Way Record:* Filed with the Clerk of the Circuit Court on 1/17/2002, Instrument No. 020000921, with a width of 50'

Resolution R04-27:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION TO INCLUDE A STREET INTO THE SECON-  
DARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following street, which is shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, has been constructed as part of the County's "Dirt Street" program to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected this street and found it to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee an unencumbered right of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for this street; and

WHEREAS, the Board previously requested the Virginia Department of Transportation to include this street in the Secondary System of State Highways through adoption of Resolution R03-139, but VDOT has indicated that they will not accept this street unless the County provides a maintenance fee in the amount of \$125.00 and a maintenance surety in the amount of \$3,750.00, which may be satisfied by inclusion within this resolution; and

WHEREAS, the County guarantees the necessary surety amount of \$3,750.00 to provide for all loss, cost, damage, or expense incurred to correct faulty workmanship or materials, associated with the construction of the street and/or related drainage facilities; and the effective period of this surety obligation will last one calendar year from the date the street is added to the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 17th day of February, 2004, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the street described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Department of Environmental and Development Services and to the Resident Engineer of the Virginia Department of Transportation.

**In the County of York**

By resolution of the governing body adopted February 17, 2004

***The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.***

**Report of Changes in the Secondary System of State Highways**

Form SR-5A  
Secondary Roads Division 5/1/99

**Project/Subdivision****Russell Lane**Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way

for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street  
Pursuant to Code of Virginia Statute: **§33.1-229**

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**Route Number and/or Street Name**

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**Russell Lane, State Route Number 1847**

*Description:* **From:** Route 600 (Big Bethel Road)  
**To:** End of cul-de-sac  
A distance of: 0.20 miles.

*Right of Way Record:* Filed with the Clerk of the Circuit Court on 2/3/1971 in Plat Book 8, Page 278, and in Deed Book 707, Page 809 and in Deed Book 707, Page 813 with a width of 50'

Item No. 4. COMMENDATION OF RETIRING EMPLOYEE: Resolution R04-26.

**A RESOLUTION TO COMMEND DONALD E. WILLIS, YORK COUNTY CHIEF OF JUVENILE SERVICES, ON THE OCCASION OF HIS RETIREMENT**

WHEREAS, Donald E. Willis, began work for York County on June 29, 1981, after serving as a Probation Officer and later as a Probation Supervisor in the Juvenile Court Service Unit of the 7<sup>th</sup> Judicial District; and

WHEREAS, during his career, Mr. Willis has served as site director for Crossroads Community Youth Home, setting high standards for programming for that facility that contributed to numerous successful certification reviews by the Commonwealth; and in 1989 after an organizational restructuring resulted in the formation of the Juvenile Services Division in the Community Services Department, Mr. Willis was promoted to the position of Chief of Operations; and

WHEREAS, in this capacity he oversees staff and a wide variety of programs including residential care facilities, which serve and treat troubled youth before the Juvenile Courts of the 9<sup>th</sup> Judicial District; and

WHEREAS, York County is the provider of Juvenile Justice Programs for the four localities of the Colonial Group Home Commission - York, James City and Gloucester Counties and the City of Williamsburg - and such other 9<sup>th</sup> Judicial Districts localities as Mathews, New Kent and Charles City Counties and the City of Poquoson, which purchase services, further expanding Mr. Willis' responsibilities; and

WHEREAS, Mr. Willis has worked closely with the Colonial Group Home Commission, the 9<sup>th</sup> District Court Services, the Merrimac Detention Center, three juvenile judges and the Virginia Department of Juvenile Justice; and

WHEREAS, Mr. Willis has supported and served on the Juvenile Offender Coordinating Council and SHOCAP; has assisted with the York County-Zweibrücken Sister City Exchange Project and currently serves as the Board of Supervisors' staff appointee to the Board of the Colonial Mental health, Mental Retardation and Substance Abuse Services; and

WHEREAS, Mr. Willis has been an effective advocate for programs and services for youth and has represented York proudly and has distinguished himself throughout the Commonwealth and is the 2003-04 President of the Virginia Residential Care Association; and

WHEREAS, Mr. Willis has served the Juvenile Justice system faithfully, with dedication to troubled youth and their families, touching the lives of hundreds of offenders, providing each with opportunities learn, correct, repay and return to productive lives with the prospects for happier futures; and

WHEREAS, after almost 31 years of such devoted service, Mr. Willis is retiring from his position as Chief of Operations of the Juvenile Services Division, in the Community Services Department; and

NOW, THEREFORE, BE IT RESOLVED, by the York County Board of Supervisors that Donald E. Willis is to be commended for his dedication, his loyalty and his commitment throughout the past 22 years and for his exemplary efforts and his many accomplishments.

BE IT FURTHER RESOLVED that at this time of his retirement, an expression of appreciation be conveyed to Mr. Willis on behalf of the County of York, its staff and the countless youth and citizens who have benefited from his skills, his caring and his many contributions;

BE IT STILL FURTHER RESOLVED that the Board of Supervisors offers the very best wishes to him and to his loved ones for a rewarding and pleasurable retirement.

**CLOSED MEETING.** At 10:03 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.2-3711(a)(5) to discuss prospective business or industry or expansion of existing business or industry where no previous announcement has been made.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd  
Nay: (0)

Meeting Reconvened. At 10:55 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of February, 2004, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd  
Nay: (0)

APPOINTMENTS TO THE HISTORIC YORKTOWN DESIGN COMMITTEE

Mrs. Noll moved the adoption of proposed Resolution R04-34 that reads:

February 17, 2004

A RESOLUTION TO APPOINT MEMBERS TO THE HISTORIC  
YORKTOWN DESIGN COMMITTEE

WHEREAS, the Board of Supervisors has established the Yorktown Historic District and the Yorktown Design Guidelines, both to become effective as of June 1, 2004; and

WHEREAS, the Yorktown Historic District Design Guidelines are to be administered by the 3-member Historic Yorktown Design Committee (HYDC); and

WHEREAS, the Board wishes to appoint members to the HYDC in accordance with the terms specified in the Yorktown Historic District ordinance.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of February, 2004, that the following individuals are hereby appointed to serve on the Historic Yorktown Design Committee for the specified terms:

Robert (Chuck) L. Murray, Jr.	3 year term	June 1, 2004 to May 31, 2007
Nancy L. Laurier	2 year term	June 1, 2004 to May 31, 2006
Harvey E. Weinstein	1 year term	June 1, 2004 to May 31, 2005

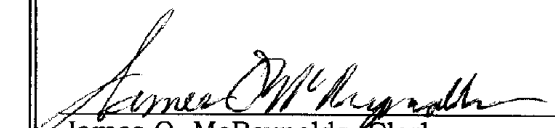
On roll call the vote was:

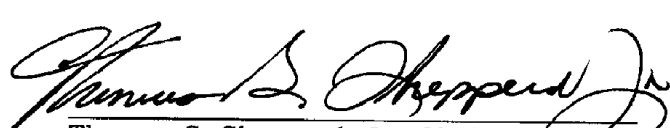
Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd  
Nay: (0)

Meeting Adjourned. At 11:00 p.m. Mr. Zaremba moved that the meeting be adjourned to 8:00 a.m., Saturday, February 21st, 2004, at the Marriott Courtyard, Kiln Creek, for the purpose of conducting Board of Supervisors' Annual Retreat.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd  
Nay: (0)

  
James O. McReynolds, Clerk  
York County Board of Supervisors

  
Thomas G. Shepperd, Jr., Chairman  
York County Board of Supervisors